

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 24-80582-CIV-CANNON

**TRISURA SPECIALTY INSURANCE
COMPANY,**

Plaintiff,

v.

**SOUTH FLORIDA LODGING, LLC,
IRACHE PARTNERS, LLC,
and DESIREE MARIA WALKER**

Defendants.

/

ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court upon the Magistrate Judge's Report and Recommendation on Plaintiff's Motion for Judgment on the Pleadings (the "Report") [ECF No. 71], issued on March 26, 2025. On January 24, 2025, Plaintiff filed a Motion for Judgment on the Pleadings (the "Motion") [ECF No. 42].¹ On March 26, 2025, following referral, Magistrate Judge Matthewman issued a Report recommending that the Motion be granted [ECF No. 71 p. 12]. Objections to the Report were due on April 9, 2025 [ECF No. 71 pp. 12–13], but to date, no party has filed objections or requested additional time to do so.

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See Fed. R. Civ. P. 72(b)(3); Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court

¹ The Court previously dismissed without prejudice Plaintiff's unripe duty-to-indemnify claim, leaving only Plaintiff's duty-to-defend claim [ECF No. 29].

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reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. See *LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following de novo review, the Court finds the Report to be well reasoned and correct. For the reasons set forth in the Report [ECF No. 71 pp. 8–12], it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation [ECF No. 71] is **ACCEPTED**.
2. Plaintiff's Motion for Judgment on the Pleadings [ECF No. 40] is **DENIED**.
3. The deadlines in the Court's Scheduling Order [ECF No. 39] and Order Scheduling Mediation [ECF No. 67] remain in effect.

ORDERED in Chambers at Fort Pierce, Florida this 15th day of April 2025.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record